



**An Ordinance to Amend Article 6 Zoning Districts
and Article 7 Supplemental Regulations of the Unified Development
Ordinance (UDO) of the Town of Sunset Beach, North Carolina**

THAT WHEREAS, the Town has enacted a Unified Development Ordinance that controls land development within both the Town’s incorporated areas and within its extraterritorial area; and

WHEREAS, in order to promote the public health, safety and general welfare and to promote the best interests of the town and community, it is necessary from time to time for the Town Council to consider appropriate revisions, modifications and additions to the town’s Unified Development Ordinance; and

WHEREAS, Town staff has initiated a text amendment requesting a review of the town’s Unified Development Ordinance concerning the design standards of fences both residential and non-residential; and

WHEREAS, the Planning Board reviewed and deliberated the options, and reached a 4 to 0 vote to recommend to the Town Council that an amendment to subsection 6.04 Table of Permitted/Special Uses and subsection 7.09 Privacy Fences be approved; and

WHEREAS, pursuant to N. C. General Statutes and town ordinances, a public hearing, properly noticed, was held on June 5, 2017, where public comment was heard and considered by the Town Council regarding this issue; and

WHEREAS, the Planning Board finds that the proposed amendment to the Unified Development Ordinance Article 6 Zoning Districts and Article 7 Supplemental Regulations is consistent with the Sunset Beach Comprehensive Land Use Plan; and

WHEREAS, the Town Council further finds that the approval of this proposed amendment is reasonable and in the public interest in that the amendment: is consistent the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan), Policy 20 (B) stating that “Adequate buffering between residential and commercial development will be required,” and finds that it is in the public interest because Town residents support buffering between nonresidential and residential uses.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Sunset Beach that Unified Development Ordinance Article 6 Zoning Districts Section 6.04 Table of Permitted/Special Uses is hereby amended as follows by adding to the chart in alphabetical order under *Nonresidential Uses*:

Primary Zoning Districts																
Uses	MR1 p.6-17	MR2 p.6-19	MR2A p.6-21	MR3 p.6-22	MB1 p.6-24	MB2 p.6-26	BR1 p.6-27	BR2 p.6-29	BB1 p.6-31	MH1 p.6-33	MH2 p.6-35	RI1 p.6-37	CR1 p.6-39	AF1 p.6-41	MUD *	Supplemental Regulations
<u>Fences (nonresidential)</u>					<u>PS</u>	<u>PS</u>			<u>PS</u>						<u>PS</u>	<u>Section 7.09</u>

AND, THAT Article 7 Supplemental Regulations Section 7.09 Privacy Fences is hereby amended as follows:

SECTION 7.09 ~~PRIVACY~~ FENCES

(B) Single-Family Residential. In all beach residential zoning districts, a **fence** or wall may be constructed not to exceed four (4) feet in height from natural **ground level**. In the BR-1 district, **fences** and walls cannot extend beyond more than one hundred fifty (150) feet from the property line **abutting** the right-of-way of Main Street. In all mainland residential zoning districts, a **fence** or wall may be constructed not to exceed six (6) feet in height from natural **ground level**. A fence or wall may be constructed on the property line subject to the following conditions in all zoning districts:

(1) The **fence** or wall does not restrict the **ground level** view of any **adjacent property** facing the ocean, waterway, marsh, lakes, or **golf course**. In accordance with this provision, a fence installed facing the ocean, waterway, marsh, lakes, or golf course may not exceed four (4) feet in height and shall be at least fifty (50) percent transparent.

(C) Nonresidential. A nonresidential fence may be installed as part of a buffer strip, in accordance with Article 10, when a nonresidential use is developed immediately adjacent to an existing residential use or zoning district. A nonresidential fence or wall may be constructed on the property line subject to the following conditions:

(1) Fences or walls shall be uniform in design, construction, and material. The fence or wall shall be brick, vinyl, decorative cement block, stucco, maintenance-free metal, or treated wood (excluding any type of plywood or lattice sheets) or any combination. Height shall not exceed six feet. Both sides of a fence or wall must be equal in construction and appearance.

(2) Fences or walls shall not restrict the ground level view of any adjacent property facing the ocean, waterway, marsh, lakes, or golf course. In accordance with this provision, a fence installed facing the ocean, waterway, marsh, lakes, or golf course may not exceed four (4) feet in height and shall be at least fifty (50) percent transparent.

(3) Fences and walls are limited to rear and side yards; however, fences or walls cannot be located in a side yard abutting a street right-of-way on a corner lot. Exception: In a side yard abutting a street right-of-way on a corner lot, open fences are allowed in the buildable area of

the lot, but are limited to four (4) feet in height and shall be at least thirty-five percent (35%) open.

(4) Side fences or walls shall be placed a minimum of five (5) feet behind the front foot-print of the structure. However, if circumstances exist related to asymmetrical lot lines, lot recombination, or unusual property line configuration relative to the location of the existing primary structure, the Planning Board may modify this standard upon review and approval of a sketch plan. When a modification is requested, all property owners immediately adjacent to the proposed fence shall be notified of the meeting in which the request will be heard by regular mail. The Planning Board should consider public safety, interference with sight visibility at intersections, harmony with the surrounding properties, and maintaining the spirit of this requirement when making any modification. Any fence modification shall not permit encroachment into the required front yard setback.

(5) Living fences are permitted and encouraged. These are open support structures that allow vegetation to grow on, through or as part of the structure as support whereby the resulting buffer is a mature, vegetative wall or screen with no readily visible portion of the underlying structure is shown. The vegetation shall be installed to a minimum depth of five (5) feet and such that seventy-five percent (75%) visual opacity within one (1) year of planting is attained and remain in such condition throughout the year.

Adopted this the _____ day of _____, 2017

Town of Sunset Beach

By: Mayor

ATTEST:

Town Clerk